FORM PTO-1390 (REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER 126577

TRANSMITTAL LETTER TO THE UNITED STATES

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) New U.S. National Stage of PCT/JP2004/009829

DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

		004/009829	July 9, 2004	July 10, 2003						
TITLE OF INVENTION PROCESS FOR PRODUCING OPTICALLY ACTIVE β-HYDROXY-α-AMINOCARBOXYLIC ACID DERIVATIVE										
APPLICANTS FOR DO/EO/US Yasumasa HAMADA; Kazuishi MAKINO										
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:										
1.	\boxtimes	This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.								
2.		This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.								
3.	\boxtimes	This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.								
4.	\boxtimes	The US has been elected (Article 31).								
5.	⊠	A copy of the International Application as filed (35 U.S.C. 371(c)(2))								
•,		a. is attached hereto (required only if not communicated by the International Bureau).								
		b. 🛮 has been communicated by the International Bureau.								
•	\boxtimes	c. \square is not required, as the applic	cation was filed in the United States	Receiving Office (RO/US).						
6.		An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))								
		a. 🛛 is attached hereto.								
		b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).								
		c. The International Application was filed in English.								
7.		Amendments to the claims of the Ir	nternational Application under PCT	Article 19 (35 U.S.C. 371(c)(3))						
		a. are attached hereto (require	ed only if not communicated by the	International Bureau).						
		b. have been communicated by	y the International Bureau.							
		c. have not been made; however, the time limit for making such amendments has NOT expired.								
		d.	Il not be made.							
8.		An English language translation of	the amendments to the claims unde	er PCT Article 19 (35 U.S.C. 371(c)(3)).						
9.	\boxtimes	An oath or declaration of the invent	ors (35 U.S.C. 371(c)(4)).							
10.		An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).								
Items	ទ រ៉ឺ្មី1 t	o 20 below concern document(s)	or information included:							
11.		An Information Disclosure Stateme	nt under 37 CFR 1.97 and 1.98.							
12.	\boxtimes	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.								
13.	\boxtimes	A preliminary amendment.								
14.	\boxtimes	An Application Data Sheet under 37 CFR 1.76.								
15.		A substitute specification.								
16.	\boxtimes	A power of attorney and/or change of address letter.								
17.		A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.								
18.		A second copy of the published international application under 35 U.S.C. 154(d)(4).								
19.		A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).								
20.										

IAP15 Rec'd PCT/PTO 09 JAN 2006

21.	U.S. APPLICATION NO. (IF KNOWN PS New U.S. National Stage of PCT/JP2004/009829	U.S. APPLICATION NO. (#KNOWN/see 879 F.R. 1:5) New U.S. National Stage of 5 (0.5) PCT/JP2004/009829				ATTORNEY'S DOCKET NUMBER 126577			
International preliminary examination and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as IPEA or ISA and flower policy in the USPTO as ISA			CALCULATIONS	PTO USE ONLY					
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International preliminary examination or proof or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the step. \$ 0.00	•								
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage				\$ 300.00					
the USPTO as IPEA of ISA and favorable as to novelty, inventive step, and industrial applicability of all claims presented in the application entering the national stage	SEARCH FEE (37 CFR 1.49	92(b)(1)-(3)):			\$400.00				
International search report provided to USPTO no later than the time at which the search fee is paid	the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the								
the search fee is paid	International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA								
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)): International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage									
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all calms presented in the application entering the national stage	All situations not provided fo	r above	•••••	\$ 500.00					
the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage	EXAMINATION FEE (37 CF	R 1.492(c)(1)-(2)):			\$200.00				
the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage									
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the sartiest claimed priority date (37 CFR 1.492(e)). TOTAL PAGES OF APPLICATION OVER	the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the								
earliest claimed priority date (37 CFR 1.492(e)). TOTAL PAGES OF APPLICATION OVER 100 (0 - 100) tround up to next integer CLAIMS NUMBER FILED NUMBER EXTRA RATE \$ TOTAL CLAIMS NUMBER FILED NUMBER EXTRA RATE \$ TOTAL CLAIMS 13 - 20 = 0									
APPLICATION OVER 100 0 + 50 = †0 x 250 = \$0 tround up to next integer	earliest claimed priority date			0 months from the	\$				
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TOTAL CLAIMS 13 - 20 = 0			NUMBER EXTRA	RATE	\$				
MULTIPLE DEPENDENT CLAIM(S)(if applicable) + 360.00 = \$ TOTAL OF ABOVE CALCULATIONS = \$900.00 Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½. SUBTOTAL = \$900.00 Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). TOTAL NATIONAL FEE = \$900.00 Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + TOTAL FEES ENCLOSED = \$900.00 Amount to be refunded: \$ charged: \$ a. Check No. 174998 in the amount of \$900.00 to cover the above fees is enclosed. b. Please charge my Deposit Account No. in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed. c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a position to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending satus. SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944 AMME: James A. Offif REGISTRATION NUMBER: 27,075 NAME: James A. Offif REGISTRATION NUMBER: 27,075									
TOTAL OF ABOVE CALCULATIONS = \$900.00 Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½. SUBTOTAL = \$900.00 Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). TOTAL NATIONAL FEE = \$900.00 Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ TOTAL FEES ENCLOSED = \$900.00 Amount to be refunded: \$	INDEPENDENT CLAIMS	2 - 3	= 0						
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Date January 9, 2006 NAME: William P. Berridge	Out National State of								
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U.S. ARPLICATION (INTOWING NEW U.S. Nashad Stage of PCT/JP2004/009829	53763	ATTORNEY'S DOCKET NUMBER 126577						
21. The following fees	s are submitted:			CALCULATIONS	PTO USE ONLY			
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BASIC NATIONAL FEE (3	7 CFR 1.492(a)):		\$ 300.00	\$300.00				
SEARCH FEE (37 CFR 1.4				\$400.00				
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International preliminary ex the USPTO as IPEA or ISA industrial applicability for al national stage	A and favorable as to I claims presented in							
International search fee (37								
International search report the search fee is paid	provided to USPTO	t which\$ 400.00						
All situations not provided f	or above		\$ 500.00	•				
EXAMINATION FEE (37 C	FR 1.492(c)(1)-(2)):			\$200.00				
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International preliminary ex the USPTO as IPEA or IS/ industrial applicability for al national stage	A and favorable as to Il claims presented i							
All situations not provided f	or above		\$ 200.00					
Surcharge of \$130.00 for fue arliest claimed priority dat	urnishing the oath or e (37 CFR 1.492(e)	declaration later than 3	0 months from the	\$				
TOTAL PAGES OF APPLICATION OVER 100 (0 - 100)	0 ÷ 50	= †0	x 250 =	\$0	·			
tround up to next integer	er							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$				
TOTAL CLAIMS	13 - 20	= 0	x 50.00 =	\$0				
INDEPENDENT CLAIMS	2 - 3	= 0	x 200.00 =	\$0				
MULTIPLE DEPENDENT (CLAIM(S)(if applicab	ile)	+ 360.00 =	\$				
		TOTAL OF ABOVE	CALCULATIONS =	\$900.00				
Applicant claims small reduced by ½.	entity status. See 3	37 CFR 1.27. The fees	-	\$	-			
			SUBTOTAL =	\$900.00				
Processing fee of \$130.00 the earliest claimed priority	for furnishing the Er date (37 CFR 1.492	2(f)).		\$				
	and assignment (27		NATIONAL FEE =	\$900.00 \$				
Fee for recording the enclo accompanied by an approp	oriate cover sheet (3	7 CFR 3.28, 3.31). \$40	.00 per property +	9				
		TOTAL FI	EES ENCLOSED =	\$900.00				
				Amount to be				
				refunded:	\$			
				charged:	\$			
 a.								
		uplicate copy of this she						
d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.								
NOTE: Where an appro	nriate time limit	ider 37 CFR 1.495 has	not been/mot Anti	tion to verive 127 CE	R # 187(a) or (b))			
must be filed an	id granted to resto	re the application to p	ending status		· · · · · · · · · · · · · · · · · · ·			
must be filed and granted to restore the application to pending status SEND ALL CORRESPONDENCE TO:								
OLIFF & BERRIDGE, PLC Customer Number: 25944								
Customer Number: 25944 NAME: James A. Oliff REGISTRATION NUMBER: 27,075								
Date <u>January 9, 2006</u>	Date <u>January 9, 2006</u> NAME: William P. Berridge REGISTRATION NUMBER: 30,024							

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasumasa HAMADA et al.

Application No.: New U.S. National Stage of

PCT/JP2004/009829

Filed: January 9, 2006 Docket No.: 126577

For: PROCESS FOR PRODUCING OPTICALLY ACTIVE β-HYDROXY-α-

AMINOCARBOXYLIC ACID DERIVATIVE

TRANSMITTAL OF POWER OF ATTORNEY AND STATEMENT UNDER 37 CFR § 3.73(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Power of Attorney from the Assignee.

In compliance with 37 CFR §3.73(b), the undersigned hereby states that <u>NISSAN</u> CHEMICAL INDUSTRIES, LTD. is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto and is concurrently being submitted for recordation.

The undersigned is authorized to act on behalf of the assignee.

In accordance with 37 CFR §1.36(a), submission of this Power of Attorney revokes any powers of attorney previously given.

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.

Respectfolly submitted

William P. Berridge

Registration No. 30 \$62

WPB/mps

Date: January 9, 2006